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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>In re Application of</p> <p>David Botstein et al.</p> <p>Serial No.: Unassigned</p> <p>Filed: 28 November 2000</p> <p>For: CARDIOTROPHIN-1 COMPOSITIONS AND METHODS FOR THE TREATMENT OF TUMOR</p>	<p>Group Art Unit: Unassigned</p> <p>Examiner: Unassigned</p> <hr/> <p style="text-align: center;">CERTIFICATION UNDER 37 CFR 1.10</p> <p><u>EL 599 585 967 US</u> : Express Mail Number <u>November 28, 2000</u> : Date of Deposit</p> <p>I hereby certify that this correspondence, consisting of specification, Preliminary Amendment, Letter and Request to Use Computer-readable Sequence Listing Under 37 CFR §1.821(e), Non-Provisional Application Transmittal, is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.</p> <p style="text-align: right;"><i>Pamela Gavette</i> Pamela Gavette</p>
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PRELIMINARY AMENDMENT

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Prior to examination on the merits, please amend the claims as follows. A clean copy of the claims is attached at the end of this document.

In the Claims:

1. (Amended) A method of diagnosing tumor in a mammal, the method comprising:

(a) detecting the level of expression of a gene encoding a cardiotrophin-1 (CT-1) polypeptide [(a)] in a test sample of tissue cells obtained from the mammal, [and] wherein the cells are suspected of uncontrolled growth and wherein the detecting is by contacting, under stringent conditions, nucleic acid of the test sample cells with a nucleic acid probe comprising at least 20 contiguous nucleic acid bases from DNA 58125 (SEQ ID NO:1) or its complement (SEQ ID NO:2);

(b) detecting, as in step (a) the level of expression of a gene encoding a cardiotrophin-1 (CT-1) polypeptide in a control sample of [known normal] tissue cells of the same cell type that do not exhibit

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